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In re application of

Ohnishi et al.

Serial No. 10/757,417

Filed: January 15, 2004

For: FIBER BOARD

DECISION ON
PETITION

This is a response to the PETITION UNDER 37 C.F.R. § 1.181 TO WITHDRAW THE HOLDING OF ABANDONMENT, filed October 19, 2005. The petition requests that the abandonment, as set forth in the Notice of Abandonment mailed August 26, 2005, be withdrawn since the applicant did not receive the Notice of Allowance and Notice of Allowance and Fee(s) Due letter mailed March 14, 2005.

DECISION

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee), and is evaluated under the procedures regarding an acceptable showing of non-receipt of an office action, TMOG 1156 O.G. 53, November 16, 1993, (see also MPEP 711.03(c) - NEW PROCEDURE TMOG 1170 O.G. 114). A review of the petitioner's evidence indicates that the request has merit. The evidence presented is sufficient to establish that the applicant or any authorized representative of the applicant did not receive the Office letter mailed August 26, 2005. The evidence provided includes a statement by the petitioner that the Office letter mailed August 26, 2005 was not received, a statement that a search of the file and docket records was made, and a statement that the search revealed the Office letter mailed August 26, 2005 was not received. Also provided is a copy of the attorney's application docket records where the Office letter mailed August 26, 2005 would have been posted had it been timely received.

As evidenced by the record the Notice of Allowability and Notice of Allowance and Fee(s) Due letter were sent to the wrong address. The proper address shall be entered and made of record in PALM prior to any further communication to the applicant.

Therefore, the abandonment is hereby withdrawn, and the application is returned to pending status. The application shall be forwarded to the examiner for prompt re-mailing of the Notice of Allowance and Notice of Allowance and Fee(s) Due letter originally mailed March 14, 2005 and restarting of the period of response from the re-mail date thereof.

The Petition is GRANTED.

Jacqueline M. Stone

Jacqueline Stone, Director
Technology Center 1700
Chemical and Materials Engineering

Birch, Stewart, Kolasch & Birch, LLP
PO Box 747
Falls Church, VA 22040-0747